FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE.

WRIT PETITION NO. 4678 OF 2006

Office Notes, Office Memorada orders or directions and Registrar's orders.	Court's or Judge's Orders.

Shri R.S. Datar for the petitioner
Shri P.P.Kakade AGP for Respdt.

CORAM; V.G.PALSHIKAR Acg.C.J.&
V.M.KANADE, J.

DTAED: 20TH JULY, 2006.

P.C.

1. By this petition, the petitioner has challenged the communication issued by the Collector directing holding of election to the post of sarpanch in accordance with the provisions of Bombay Village Panchayat Act 1958.

2. The contention is that under the reservation policy, two seats are reserved for backward class women and one of them is vacant. The entire Panchayat is therefore

not fully constituted. Post of sarpanch is also reserved for woman and therefore there is possibility of a woman candidate desirous of contesting the election for panch posts, who would be denied the opportunity of contesting the election for sarpanch in the event of her succeeding to be a panch.

3. It is also the contention that the words "elected members" occured in section 30(1) should be read as "elected members". So read the sarpanch election cannot take place. Therefore direction issued by the Collector is liable to be quashed.

4. We are unable to accept the submission for the reason that the language of section 30 is very clear and sub section(2) of section 30 clearly mandates that the election of sarpanch is held in the first meeting of panchayat

after such election. In such situation, there is no reason to interfere. Petition is rejected.

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